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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,285	11/28/2000	Rudy G. Bonefas	003636.0096	5470

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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,285

Applicant(s)

BONEFAS ET AL.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on July 15, 2005.

No claims have been amended or cancelled.

Claims 1-55 are pending in this application.

Affidavit

The affidavit filed on July 15, 2005 under 37 CFR 1.131 is sufficient to overcome the Aether Technologies publication of "Enterprise Data Wireless Center" reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 23-29, and 36-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung (6826173)

Regarding claims 1, 37, and 49, Kung teaches a method of sending an alert to selected clients devices in a communications system including a server adapted to run a server application (Figure 2, element 220), a message router communicating with the server (Figure 2, element 210), a plurality of protocol gateways communicating with the message routers (Figure 2, elements 230-240), and a network adapted to couple the

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server and the protocol gateways to client devices (Figure 1, elements 102, 140-146) comprising:

generating said alert with said server application (Column 35, lines 12 – 17), said alert including customer information (Column 2, lines 26 – 40);

sending said alert to said message router; retrieving a station ID of said client device based on said customer information with said message router (Column 7, lines 62 – 67, where the preference data is the user specified information on where the user wants the call to do, and the terminal configuration data is information about the devices connected to the broadband residential gateway and specify which device can receive which type of call);

determining a communication type of said client device based on said station ID; selecting one or more of said plurality of protocol gateways based on said communication type;

and forwarding said alert to said selected one or more of said plurality of protocol gateways;

formatting said alert with said protocol gateway for said selected client device; and forwarding said formatted alert via said network to said selected client device (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claims 2, 38, and 50, Kung teaches that said customer information includes at least one of a customer ID and a port number (Column 2, lines 35 – 37,

where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged).

Regarding claims 3 and 39, Kung teaches searching a user table to obtain said station ID associated with said customer ID (Figure 8a and Figure 8b).

Regarding claims 4, 40, and 51, Kung teaches that step d) further comprises searching a local cache of said message router for said station ID associated with said customer ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information).

Regarding claims 5 and 41, Kung teaches that step d) further comprises searching a local cache of said message router (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information) and a device table for a first device (Figure 8a and Figure 8b) associated with said customer ID when both said customer ID and port number are provided (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged).

Regarding claims 6 and 42, Kung teaches that returning an inactive customer message to said server if no station ID is retrieved (Column 35, lines 51 – 55).

Regarding claims 9 and 45, Kung teaches that said alert includes at least one of an alert message, a compression flag, an encryption flag, and an acknowledgement flag (Column 35, lines 15 – 16, a reminder alert message).

Regarding claims 12 and 48, Kung teaches that said customer information is a client information object (Column 2, lines 26 – 40).

Regarding claim 13, Kung teaches that said client information object includes a customer ID (Column 2, lines 35 – 37, where the user is identified) and a device ID (Column 9, lines 14 – 19, where the port is specified based on the device to be messaged).

Regarding claims 23 and 52, Kung teaches a method of sending alerts to client devices, comprising:

generating said alert at a server (Column 35, lines 12 – 17), said alert including a customer ID and a device ID (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged);

forwarding said alert to a message router;

locating with said message router one or more station IDs based on said customer ID and device ID;

determining with said message router a communication type associated with each station ID;

forwarding said alert to a protocol gateway associated with said determined communication type; and

transmitting said alert with said protocol gateway over a network to said client devices (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claims 24 and 53, Kung teaches receiving said alert with a transport layer of an application running on said protocol gateway and sending said alert from said transport layer to client applications (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claim 36, Kung teaches formatting said alert for said client device with said protocol gateway (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claim 29, Kung teaches that said alert comprises at least one of an alert message, a client information object including said customer ID and device ID (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged), message flags, compression flag and an encryption flag.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-22 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Archer (6683870).

Regarding claims 14 and 31, Kung teaches the method according to claims 13 and 23.

Kung does not explicitly indicate that said alert includes an active device only flag and wherein said device ID can be set to all devices. Archer teaches a messaging system which includes the ability to message a subscriber in multiple ways.

Archer teaches that one of those ways is to send the message to the device that can be considered active (Column 3, lines 56 – 62). Another one of those ways is to send a message to all the devices that the subscriber has to his account (Column 4, lines 43 – 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teachings of adding features to Kung's system in order to be able to get the message to the user the quickest way possible, which could be alerting the active device of the user or alerting all the devices of the user (Column 3, lines 56 – 62; Column 10, lines 1 – 10).

Regarding claim 15, Kung in combination with Archer teaches that if the active device only flag is set and the device ID is specified, searching a local cache of the message router for the station ID because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62).

Regarding claim 16, Kung teaches that if the station ID is not located in the local cache, searching a user table for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber

information and that the user table is the standard place to find the user information to format and send messages Figure 8a and 8b).

Regarding claim 17, Kung in combination with Archer teaches that if the active device only flag is set and the device ID is set to all devices, searching only the user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 18, Kung in combination with Archer that if the active device only flag is not set and the device ID is specified, searching a local cache of the message router for the station ID (Archer, Column 6, lines 54 – 62; Kung, Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information).

Regarding claim 30, Kung in combination with Archer teaches that the messages flags specify at least one of: whether the server requires an acknowledgement message; whether the alert should be sent only if the client device is currently active (Archer, Column 3, lines 56 – 62); and whether the protocol gateway should only attempt message delivery once.

Regarding claim 32, Kung in combination with Archer teaches that the locating step comprises: if the active device only flag is set and the device ID is specified, searching a local cache of the message router for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information) because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62), the address in local cache, which

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also happens to be the most recently used device; if the active device only flag is set and the device ID is set to all devices, searching only a user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62); if the active device only flag is not set and the device ID is specified, searching a local cache of the message router for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information); and if the active device only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 19 and 33, Kung teaches that if the station ID is not located in the local cache, searching a device table for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information and that the user table is the standard place to find the user information to format and send messages Figure 8a and 8b)..

Regarding claim 20, Kung in combination with Archer teaches that if the active only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 35, Kung in combination with Archer teaches that if no device is located and the device ID is set to all devices, sending an inactive message to the server, otherwise sending a customer not valid message (Archer, Column 9, lines 48 – 50) because the system uses a database to look up customers and devices and if no

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customer or no device is found than the source needs to be notified that the request can not be processed.

Regarding claim 21, Kung teaches the Method of claim 1.

Kung does not explicitly indicate providing each station ID retrieved in step c) to the server.

Archer teaches the idea of providing the source of the message with the destination or station ID (Column 7, lines 16 – 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teaching on Kung's message routing system in order to allow the source and receiving nodes to communicate after the first alert so that they don't have to continually use the database to find the address of the destination (Column 7, lines 16 – 21).

Regarding claim 22, Kung in combination with Archer teaches providing each station ID retrieved by the message router to the server, before forwarding the alert to the protocol gateway (Archer, Column 6, lines 60 – 62).

Regarding claim 34, Kung in combination with Archer teaches that if device ID set to all devices, providing each device ID located to server (Archer, Column 6, lines 60 – 62).

Claims 7-8, 25-26, 43-44, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Boyle (6138158).

Regarding claims 7-8, 25-26, 43-44, and 54-55, Kung teaches the method of claims 1, 24, 37, and 53.

Kung does not explicitly indicate segmenting said alert with said selected protocol gateway into message segments before sending said alert over said network and having the client reconstruct the message segments.

Boyle teaches a messaging system (Column 8, line 52 – Column 9, line 2) that includes segmenting messages with said selected protocol gateway into message segments before sending said alert over said network and having the client reconstruct the message segments (Column 13, lines 37 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyles teaching in Kung's system because some message protocols may only be able to support a maximum message size and Boyles system allows messages longer than the maximum size to be sent.

Claims 10-11, 27-28, and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Ramasubramani (6507589).

Regarding claims 10-11, 27-28, and 46-47, Kung teaches the method according to claims 1, 23, and 37.

Kung does not explicitly indicate returning an acknowledgment from the client to the protocol gateway and then forwarded to the server.

Ramasubramani teaches a system that includes protocol gateways between clients and server in which acknowledgement messages are forwarded all the way from the client device to the server (Column 8, lines 20 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ramasubramani's teaching in Kung's messaging system in

order to allow the server to know if the alert needs to be resent or if it has been received correctly.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5446736 issued to Gleeson, because it discloses a messaging system with a plurality of gateways.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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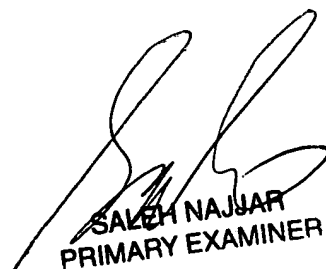
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September 18, 2005


SALEH NAJJAR
PRIMARY EXAMINER